IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE TWENTY THIRD DAY OF SEPTEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE Mrs. JUSTICE T.MEENA KUMARI

WRIT PETITION No. 8035 of 1995

Between:

T.Kamalamma D/o.T.Raghavuloo (late)

Aged 49 years,r/o.Katkoor village,
Bheemadevarpally Mandal Karimnagar Dist

..... PETITIONER

AND

1 District Collector
Karimnagar Dist
2 Mandal Revenue Officer
Bhimadevarapalli Mandal, Karimnagar Dist
3 Sarpanch, Katkoor Village
Bhimadevarapalli Mandal Karimnagar Dist

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a writ, order or direction particularly a writ in the nature of mandamus declaring the action of the respondents in trying to construct the Dhobi Ghat in the land situate in S.No.97 to an extent of Ac.2-33 guntas of Katkoor village, Bheemadevarapally Mandal, Karimnagar Dist without acquiring the same by due process of law and being illegal, arbitrary and violative of Arts.14 and 300-A of the Constitution of India and consequently direct the respondents not to interfere with the peaceful possession and enjoyment of the said land by the petitioner except following the due procedure of law and pass such other order.

Counsel for the Petitioner: MR.P.SRIDHAR RAO

Counsel for the Respondents: GP FOR REVENUE

The Court made the following:

ORDER:

Aggrieved by the action of the 3rd respondent, the petitioner approached this Court, seeking a declaration that the action of the respondents in trying to construct a Dhobi Ghat in his land is illegal, arbitrary and violative of Articles 14 and 300-A of the Constitution of India.

2. The petitioner contends that he is an absolute owner of a land of an extent of Ac.2.33 guntas in Survey No.97 of Katkoor village of Bheemadevarapalli Mandal in Karimnagasr District and he is in peaceful possession and enjoyment of the said land from his fore fathers. The respondents without having any right or title and without following due process of law, they are trying to construct a Dhobi ghat in his land.

3. Under Article 226 of the Constitution of India, this Court cannot declare the title of the petitioner over the land claimed. A perusal of the record shows that the petitioner made a representation to the 1st respondent on 20.02.1995 about the action of the 3rd respondent and it is pending. At the threshold, this Court issued a direction to the respondents in WPMP.No.9969 of 1995 dated 21.04.1995, not to deprive the petitioner of the land in question otherwise than by proceedings under the Land Acquisition Act.

4. In the circumstances, I deem it appropriate to give a direction to the 1st respondent to dispose of the representation of the petitioner dated 20.02.1995, if already not disposed of, and if the petitioner is still in possession of the land, in accordance with law, as expeditiously as possible.

5. Subject to the above directions, this Writ Petition is disposed of.

dsr

ASSISTANT REGISTRAR

// TRUE COPY //

SECTION OFFICER

To:

1. The District Collector,

Karimnagar District

2. The Mandal Revenue Officer,

Bhimadevarapalli Mandal, Karimnagar District

3. The Sarpach, Katkoor village,

Bhimadevarapally Mandal, Karimnagar District

4. Two CCs to the Government Pleader for Revenue,

High Court Buildings, Hyderabad (OUT)

5. Two CD copies.